IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 428 OF 2006

Shri Manoj Birbal Singh ...Applicant.

V/s

The State of Maharashtra
Through Bhiwandi Taluka
Police Station Bhiwandi. ...Respondent.

Mr. A.P. Mundargi with Mr. Amol Patankar for the applicnat.

Ms. M.M. Deshmukh, APP for the State.

CORAM: V.M. KANADE, J.
DATE: 20TH FEBRUARY, 2006

P.C.:

1. Hard the learned Counsel for the applicant and the learned APP for the State.

2. This is an application for bail. The applicant was arrested on 19/10/2005 in connection with an offence which was registered with the Bhiwandi Taluka Police Station. It is alleged that one Sachin Singh was murdered at Walchind Village on Mumbai Agripada Road near New Popular Petrol Pump. It is the case of the prosecution that the applicant had given a bag containing knife and chilli powder to waiter in Saikripa Dhaba and told him to deliver the said bag to a person by name Ram. The prosecution case is that the deceased Sachin had borrowed Rs 15000/- from the

complainant Shiv Shankar Singh and that he was not returning the said amount. It is alleged that, therefore, the complainant hatched a conspiracy for eliminating the deceased and accordingly the applicant gave the bag containing a knife and chilli powder to the waiter at a Dhaba who, in turn, deliver the bag to the co-accused and, thereafter, the accused Nos. 3 to 5 killed the deceased. It is an admitted position that there is no recovery at the instance of the applicant. The only witness has stated that the applicant delivered the bag containing knife and chilli powder to him, who in turn, gave the said bag to one of the co-accused. The knife has not been recovered or identified as the same knife with which the co-accused assaulted the deceased. The charge-sheet has been filed. The applicant is a permanent resident of Thane District. The case of the prosecution is based on circumstantial evidence. No identification parade was conducted in order to establish the identity of the person who had taken the bag. Considering this evidence, in my view, the applicant had made out a case for grant of bail.

3. In the result, the following order is passed:-

O R D E R

. The applicant is released on bail in the sum of Rs 5,000/- with one or two sureties in the like amount. The applicant to report to Bhiwandi Taluka Police Station, Bhiwandi twice in a month till the disposal of the trial.

V.M. KANADE, J.